

**ZENO B. BAUCUS**  
**Assistant U.S. Attorney**  
**U.S. Attorney's Office**  
**James F. Battin U.S. Courthouse**  
**2601 Second Ave. North, Suite 3200**  
**Billings, MT 59101**  
**Phone: (406) 657-6101**  
**FAX: (406) 657-6989**  
**Email: Zeno.Baucus@usdoj.gov**

**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

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<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>JOSHUA LEON Hiestand,</b>  <b>Defendant.</b>	<b>CR 22-122-BLG-SPW</b>  <b>OFFER OF PROOF</b>
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**THE CHARGE**

The defendant, Joshua Leon Hiestand, is charged by Indictment with Stalking, pursuant to 18 U.S.C. § 2261A(2)(B) (Count 1), and Harassing Telephone Calls, in violation of 47 U.S.C. § 223(a)(1)(E) (Count 2).

## **PLEA AGREEMENT**

Hiestand will enter a voluntary plea of guilty to Count 2 of the Indictment pursuant to a plea agreement. The plea agreement represents, in the government's view, the most favorable disposition of the case against the defendant. *See, e.g.*, *Missouri v. Frye*, 566 U.S. 134 (2012).

## **ELEMENTS**

In order for the defendant to be found guilty of Harassing Telephone Calls, in violation of 47 U.S.C. § 223(a)(1)(E), the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant, in interstate or foreign communications

Second, made repeated telephone calls or repeatedly initiates communication with a telecommunications device during which conversation or communication ensues; and

Third, solely to harass any specific person

## **PENALTY**

Count 2 carries a maximum of two years imprisonment, a \$250,000 fine, and one year of supervised release.

## **ANTICIPATED EVIDENCE**

If this case were tried in United States District Court, the United States would prove the following

On November 12, 2020, a white male who identified himself as “Leon Hiestand” came to St Andrew’s Presbyterian Church in Billings looking for assistance. Jane Doe, a 72-year-old African American female that works at the church, provided him with a gift card.

On November 17, 2020, the church received a voicemail from x1531. Using a racially derogatory term, the caller stated that he would give more money to the church if the church did not employ an African American. On December 4, 2020, the church’s caller ID identified Hiestand using the same number, x1531. Jane Doe answered the phone, and the caller referenced his white friends and that he would have given more money to the church if the church did not employ a black pastor. On December 12, 2020, Hiestand left a voicemail that stated, “Nobody wants you here.” On January 8, 2021, Hiestand left a voicemail from phone number x5003 and referenced the African American receptionist at the church.

Following this interaction Jane Doe contacted the Billings Police Department. In response, a Billings Police Detective contacted the number dialed to the church on January 14, 2021 and spoke to the caller. During that call, the caller identified himself as Joshua Hiestand before changing his name later in the conversation. He

also provided the correct date of birth for Hiestand. Hiestand admitted to leaving the voicemails and apologized for his behavior. Hiestand was advised not to have any further contact with the church.

On January 17, 2021, Hiestand left a voicemail at the church from phone number x7955 in which he appeared upset and apologized for the previous calls. However, over the next 19 months Hiestand called and left a series of voicemails at the church that, at times, were threatening and racially hostile in nature.

Based on toll records collected by law enforcement, it was determined that after January 2021, Hiestand was placing these calls from outside the State of Montana.

DATED this 26th day of June, 2023.

JESSE A. LASLOVICH  
United States Attorney

*/s/ Zeno B. Baucus*  
ZENO B. BAUCUS  
Assistant U.S. Attorney